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Attorney for ARMANDO HILARINO ACEVEDO

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff.

V.

ARMANDO HILARINO ACEVEDO,

Defendant.

Case No. 2:18-mj-00043-PAL-1

**STIPULATION TO CONTINUE
BENCH TRIAL DATE**
(Second Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Chad McHenry, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Monique Kirtley, Assistant Federal Public Defender, counsel for Armando Hilarino Acevedo, that the Bench Trial currently scheduled for Wednesday, May 23, 2018 at 8:45 a.m., be vacated and set to a date and time convenient to this court but no sooner than fourteen (14) days.

The Stipulation is entered into for the following reasons:

1. Parties have reached an agreement but need additional time to formalize in writing.
2. The defendant is not in custody and does not oppose the continuance.

1 3. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A),
4 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

5 This is the second stipulation to continue filed herein.

6 DATED this 22nd day of May, 2018.

7
8 RENE L. VALLADARES
9 Federal Public Defender

10 By _____
11 /s/ *Monique Kirtley*

12 MONIQUE KIRTLEY
13 Assistant Federal Public Defender
14 Counsel for ARMANDO HILARINO
15 ACEVEDO

16 DAYLE ELIESON
17 United States Attorney

18 By _____
19 /s/ *Chad McHenry*

20 CHAD MCHENRY
21 Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:18-mj-00043-PAL-1

Plaintiff,

V.

ARMANDO HILARINO ACEVEDO,

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

DEFENDANT.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Parties have reached an agreement but need additional time to formalize in writing.
2. The defendant is not in custody and does not oppose the continuance.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the Bench Trial currently scheduled for Wednesday, May 23, 2018 at 8:45a.m., be vacated and continued to August 8, 2018, at the hour of 8:45 a.m. .

DATED this 22nd day of May, 2018.

UNITED STATES MAGISTRATE JUDGE